

- Exhibit 6: Index of matters being filed.
- Exhibit 7: List of all parties of record.

II. STATE COURT ACTION

2. On or about August 9, 2022, Plaintiff, Janice Jackson, Individually and as Representative of the Estate of her Late Husband, Michael Wayne Jackson, commenced a civil action in the 113th Judicial District Court of Harris County, Texas, by filing a Plaintiff's Original Petition bearing the caption *Janice Jackson, Individually and as Representative of the Estate of her Late Husband, Michael Wayne Jackson v. the City of Houston*. (Ex. 1.)

3. On December 16, 2022, Plaintiffs Janice Jackson, Individually and as Representative of the Estate of her Late Husband, Michael Wayne Jackson; Arlene Gallien, Individually and as Representative of the Estate of Carl Wiley Jr.; Camila Simpson as next front of XXXXXXXX XXXXX; Gynell Henderson, Individually and as Representative of the Estate of Rashad Henderson; and John Henderson Jr., individually, filed a First Amended Petition raising for the first time federal causes of action pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1982, and the Fourteenth Amendment to the U.S. Constitution. (Ex. 4 pgs. 42-59.) Accordingly, the City removes this case and invokes this Court's federal question subject matter jurisdiction.

III. GROUNDS FOR REMOVAL

Federal Question Jurisdiction

4. The district courts of the United States have original jurisdiction over this action on the federal questions presented in Plaintiffs' First Amended Petition; namely, the alleged violations of 42 U.S.C. § 1983, the Fourteenth Amendment to the U.S. Constitution, and alleged violations of 42 U.S.C. § 1982. (Ex. 4 pgs. 42-59.)

5. Original jurisdiction over such matters is conferred upon federal district courts by

28 U.S.C. §1331, which states that “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.” 28 U.S.C. §1331; *see also* 28 U.S.C. §§1441(a)-(b), 1443. In addition to the original jurisdiction granted by 28 U.S.C. §1331, the Court likewise has pendant jurisdiction over all of Plaintiffs’ state law claims pursuant to 28 U.S.C. §1367. Therefore, removal of this action is proper.

Venue

6. Venue is proper in this district and division because the State Court Action is pending in Harris County, Texas, which is located within the Southern District of Texas, Houston Division. *See* 28 U.S.C. §1441(a). Venue is also proper in this district and division under 28 U.S.C. § 1443 because this is a civil action for an act under color of authority derived from a law providing for equal rights and because Plaintiffs commenced this proceeding in a State court in this district and division. Additionally, venue is proper in this district and division because a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred, if at all, in this judicial district. 28 U.S.C. § 1391(b).

Removal is Timely

7. The City of Houston has 30 days after receipt of the initial pleading setting forth a federal cause of action to file a notice of removal. *See* 28 U.S.C. §1446(b)(1); *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68-69 (1996); *Crockett v. R.J. Reynolds Tobacco Co.*, 436 F.3d 529, 532 (5th Cir. 2006). The City was served with Plaintiff’s Original Petition on August 15, 2022 (Ex. 2.) and received notification of the Plaintiffs’ First Amended Petition on December 16, 2022 (Ex. 4.). This Notice of Removal is filed within 30 days of the City’s receipt of Plaintiffs’ First Amended Petition which first set forth a federal cause of action and is therefore timely filed under 28 U.S.C. §1446(b)(1).

Consent Required

8. To Defendant's knowledge, Plaintiffs have not properly served any other named defendants therefore consent to removal is not required from any other named defendant. 28 U.S.C. § 1446(b)(2)(A). The City has fulfilled all procedural requirements to timely remove the State Court Action.

Notice Given

9. Simultaneously with the filing of this removal, notice will be given to Plaintiffs and all parties who have appeared via their attorneys of record, if any. Additionally, a copy of this Notice of Removal will be filed with the Clerk of the District of Harris County, Texas in the State Court Action under Cause #2022-48417.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant CITY OF HOUSTON pursuant to these statutes and in conformance with the requirements of 28 U.S.C. §1446, removes this action for trial from the 113th Judicial District Court of Harris County, Texas (Cause #2022-48417) to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

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City Attorney

KELLY A. DEMPSEY
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Date: January 6, 2023.

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CITY OF HOUSTON**

CERTIFICATE OF SERVICE

I certify that on January 6, 2023, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document, and any attachments, were delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, and alternatively via e-mail and/or facsimile transmission, to:

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***Co-counsel for Camila Simpson,
as next friend of XXXXXXXX, XXXX
and Arlene Gallien***

/s/ Melissa Azadeh
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